

Attorney Docket No. P12409-US1  
Customer Number 27045

### **REMARKS/ARGUMENTS**

#### **1.) Claim Amendments**

The Applicants have amended claims 1-3, 5, 7, 8, 10-12, and 16-18. Claim 20 has been canceled, and claim 19 was previously canceled. Accordingly, claims 1-18 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

#### **2.) Claim Rejections – 35 U.S.C. § 102(e)**

In paragraph 5 of the Office Action, the Examiner rejected claims 1-3, 5-6, 8, 11-12 and 18 under 35 U.S.C. § 102(e) as being anticipated by McCloghrie, et al. (US 6,286,052). The Applicants have amended the claims to better distinguish the claimed invention from McCloghrie. The Examiner's consideration of the amended claims is respectfully requested.

In previous versions of the claims, the Applicants used the term "intermediate node" to refer to the interior nodes of the core network since this is accepted terminology in the telecommunications art. McCloghrie, however, uses the term "intermediate network device" to refer to what are actually intervening devices between networks. The Examiner cites McCloghrie's intermediate network device 210 as the alleged equivalent of the Applicants' intermediate nodes. This is clearly not the case, and the Applicants have further amended the claims to recite "interior nodes" rather than "intermediate nodes" in order to clarify the difference between the Applicants' interior nodes and McCloghrie's intermediate network devices. The original specification clearly describes the relationship between edge nodes and forwarding nodes in the core network on page 4, lines 4-9; page 6, lines 16-20; page 9, lines 28-30; and FIG. 2.

The Applicants have also amended the claims to clarify that the user record from which the quality parameters are drawn is a user subscription, as disclosed in the specification on page 3, lines 5-7 and page 5, lines 15-16. The concept of accessing information in a user subscription is contrary to the usual concepts in IP networks, and correspondingly, McCloghrie does not teach or suggest the use of a subscription. As

Amendment - PAGE 7 of 11  
EUS/J/P/05-9121

Attorney Docket No. P12409-US1  
Customer Number 27045

noted by the Examiner, McCloghrie discloses obtaining information from a policy server 216, but the policy server does not store a user subscription. Instead, McCloghrie discloses user priorities, which are data fields 108 on the Media Access Control (MAC) layer, and not user subscriptions.

Independent claim 11 has been further amended to delete the limitation that the edge node includes means for storing the parameters specifying the quality of service for the identified user. The specification recites on page 17, lines 18-20 that this function can be performed outside the edge router.

The present invention provides a method for improved handling of data packets within a packet switched communications network, i.e. between the edges, and to differentiate the priority of individual users. This is done by setting a data field specifying the packet handling according to an identified user record in a database and the corresponding handling of the packets in the interior nodes of the core network. In a particular embodiment, the network is an IP network, and the edge node retrieves quality of service (QoS) parameters for an identified user's subscription database and modifies a Differential Services (DS) data field in the IP header of the packets. This may be done, for example, by using the unspecified bits in the DS field. In a further embodiment, the intermediate nodes evaluate the DS field and change the packet handling only if the traffic load exceeds a predefined threshold level.

The advantage of the claimed invention is that any node within the network, whether an edge node or an interior node, can perform a user-specific differentiated handling of data packets according to local conditions. McCloghrie and the other cited references can only consider priority information present at the network edges. Only the inventive combination of features recited in independent claims 1, 11, 16, and 18 enables the provision of packet-handling information to interior nodes in the core network. This ensures a user-specific packet handling by the interior nodes within the core network, which is not taught or suggested by the cited references.

Independent claims 1, 11, 16, and 18 have all been amended to recite interior nodes in the core network and the use of a user subscription for storing quality of service parameters for the user. These features are not taught or suggested by

Attorney Docket No. P12409-US1  
Customer Number 27045

McCloghrie. Therefore, the withdrawal of the novelty rejection under § 102 and the allowance of amended claims 1, 11, 16, and 18 are respectfully requested.

Claims 2-3, 5-6, and 8 depend from amended claim 1 and recite further limitations in combination with the novel and unobvious elements of claim 1. Therefore, the allowance of claims 2-3, 5-6, and 8 is respectfully requested.

Likewise, claim 12 depends from amended claim 11 and recites further limitations in combination with the novel and unobvious elements of claim 11. Therefore, the allowance of claim 12 is respectfully requested.

### 3.) Claim Rejections – 35 U.S.C. § 103(a)

In paragraph 9 of the Office Action, the Examiner rejected claims 7 and 16 under 35 U.S.C. § 103(a) as being unpatentable over McCloghrie in view of Raith, et al. (US 6,058,108). The Applicants contend that the amendments discussed above to the independent claims also overcome any obviousness rejection in view of McCloghrie and Raith. Furthermore, the Applicants contend that Raith is disqualified as prior art under 35 U.S.C. 103(c) because Raith was commonly owned at the time the invention was made. More specifically, MPEP 706.02(I)(1) states:

Effective November 29, 1999, subject matter which was prior art under former 35 U.S.C. 103 via 35 U.S.C. 102(e) is now disqualified as prior art against the claimed invention if that subject matter and the claimed invention "were at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person." This change to 35 U.S.C. 103(c) applies to all utility, design, and plant patent applications filed on or after November 29, 1999, including continuing applications filed under 37 CFR 1.53(b), continued prosecution applications filed under 37 CFR 1.53(d), and reissues.

The present application was filed on December 20, 2000, which is after November 29, 1999. The present application claims priority on European Patent Application EP 99125719.7 filed December 23, 1999. Raith was prior art under former 35 U.S.C. § 103 via 35 U.S.C. § 102(e) because Raith issued on May 2, 2000, which is after the priority date of the present application. The present application and Raith were, at the time the invention was made, owned by the same entity –

Amendment - PAGE 9 of 11  
EUS/J/P/05-9121

Attorney Docket No. P12409-US1  
Customer Number 27045

Telefonaktiebolaget LM Ericsson. The ownership information is indicated on the face of Raith, and is shown for the present application in an assignment recorded with the U.S. Patent and Trademark Office on June 14, 2001, at reel 011895, frame 0772.

As a result, all of the requirements of 35 U.S.C. § 103(c) have been met, and Raith is disqualified as a prior art reference in the present application. Therefore, Applicant respectfully requests the withdrawal of the § 103 rejection and the allowance of claims 7 and 16.

In paragraph 10 of the Office Action, the Examiner rejected claims 9 and 13-15 under 35 U.S.C. § 103(a) as being unpatentable over McCloghrie in view of Mustajarvi, et al. (US 6,661,782). The Applicants contend that the amendments discussed above to the independent claims also overcome any obviousness rejection in view of McCloghrie and Mustajarvi because all of the recited limitations are not taught or suggested by the combination of McCloghrie and Mustajarvi. Therefore, the allowance of claims 9 and 13-15 is respectfully requested.

In paragraph 11 of the Office Action, the Examiner rejected claims 4, 10 and 17 under 35 U.S.C. § 103(a) as being unpatentable over McCloghrie in view of Blake, et al. (RFC 2475 "Architecture for Differentiated Services"). The Applicants contend that the amendments discussed above to the independent claims also overcome any obviousness rejection in view of McCloghrie and Blake because all of the recited limitations are not taught or suggested by the combination of McCloghrie and Blake. Therefore, the allowance of claims 4, 10, and 17 is respectfully requested.

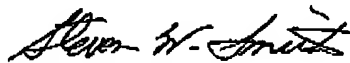
Attorney Docket No. P12409-US1  
Customer Number 27045

### CONCLUSION

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1-18.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



Steven W. Smith  
Registration No. 36,684

Date: 7-5-2005

Ericsson Inc.  
6300 Legacy Drive, M/S EVR 1-C-11  
Plano, Texas 75024

(972) 583-1572  
steve.xl.smith@ericsson.com